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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,678	04/02/2004	Nicholas Charles Henly	018300-052	9784

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EXAMINER
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VASUDEVA, AJAY

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/815,678	<b>Applicant(s)</b> HENLY, NICHOLAS CHARLES	
	<b>Examiner</b> Ajay Vasudeva	<b>Art Unit</b> 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-10 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-8,10 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 4,5 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 6-8, 10 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Reynolds (US 4,291,864 A).

Re the independent claims, Reynolds shows an assembly (fig. 1) comprising a winch, a threaded fastening element [22], and a retaining element [23] in the form of spring washer. The fastening element is accommodated in an aperture of the winch, wherein the fastening element is held against rotation by the retaining element (spring washer) up to a threshold torque, thereby allowing rotation of the fastening element at torques higher than the threshold torque that overcome the resilience of the spring washer.

Applicant may note that the limitation “wherein the appliance is for attachment to a surface of a watercraft using said threaded fastening elements in combination with one or more cooperating elements” (emphasis added) is merely an intended use limitation because it lacks any positive recitation of an attachment with a watercraft. Additionally, the claim does not positively recite a combination with a cooperating element, and recites the use of the cooperating element as an intended use. As such, this limitation has not been accorded any patentable weight.

Re claim 3, because the preceding claim does not positively recite attachment to a watercraft, the limitation “watercraft ...is a sailboat” has not been accorded any patentable weight.

Art Unit: 3617

Re claim 8, the retaining element prevents translational movement of the fastening element along the axis of the hole when the applied torque is below a threshold.

Re claim 10, Applicant may note that the limitation "sailboat winch" has been broadly interpreted to mean "any winch that is capable of use with a sailboat". However, the limitation has not been limited to a narrow interpretation to mean "a winch attached to a sailboat" (emphasis added).

Re claim 16, the steps recited in the claim are inherent in the manufacture and subsequent use of the assembly.

Re claim 17, the assembly comprises a removable cover [10]. The step of replacing the cover to complete the assembly of the winch is considered inherent before the winch is attached to any surface. Re the limitation "before the appliance is attached to a watercraft" (emphasis added), it is noted that such attachment to a watercraft has not been positively recited in the steps of the method claim, and therefore, has not been accorded any patentable weight.

#### ***Allowable Subject Matter***

4. Claims 4, 5 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

5. Applicant's arguments with respect to the rejection in the previous Office action have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

6. The action is made Non-Final.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ajay Vasudeva  
Examiner  
Art Unit 3617

*Ajay Vasudeva*  
AJAY VASUDEVA  
PATENT EXAMINER 7/07/06